

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/560,345	Applicant(s) DE GROOT ET AL.	
	Examiner Hal D. Wachsman	Art Unit 2857	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 13 July 2009 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

October 14, 2009

/Hal D Wachsman/
Primary Examiner, Art Unit 2857

Continuation of 10. Other (including any explanation in support of the above items): The Status of Amendments section does not indicate that the Request For Reconsideration With Amendment was acted upon by the Examiner and that it was denied entry (this request contained a listing of claims). The Summary Of Claimed Subject Matter section does not identify for each step plus function in the appealed claims what drawing and reference numeral(s) in the drawing correspond to each claimed function. Also, in the comparing step of claim 14, this section does not identify by specification, page and line number, as well as drawing and reference numeral(s) the structure, material or acts, that correspond to "...based on the unauthorized replacement or change of hardware, or software, or even just parts thereof in the field device". The Appendix Of Claims lists cancelled claims that are not involved in the appeal and the status identifier "(Rejected)" in the appealed claims listed is not one of the seven permissible status identifiers under 37 C.F.R. 1.121. In addition, the Appendix of Claims includes a marking in claim 26 (see the underlining at the end of the claim beneath the period).